

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**Peter Theodore Wroblicky M.D. )**

**File No. 800-2015-016995**

**Physician's and Surgeon's )  
Certificate No. A 102109 )**

**Respondent )**

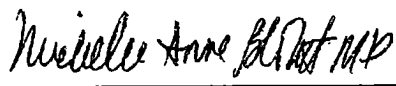
**DECISION AND ORDER**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on September 7, 2017.**

**IT IS SO ORDERED August 8, 2017.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Michelle Anne Bholat, M.D., Chair  
Panel B**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 MARA FAUST  
Deputy Attorney General  
4 State Bar No. 111729  
California Department of Justice  
5 1300 I Street, Suite 125  
P.O. Box 944255  
6 Sacramento, CA 94244-2550  
Telephone: (916) 324-5358  
7 Facsimile: (916) 327-2247

8 *Attorneys for Complainant*

10 **BEFORE THE**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **PETER THEODORE WROBLICKY, M.D.**  
15 P.O. Box 661411  
Sacramento, CA 95866-1411

16 Physician's and Surgeon's Certificate No. A 102109

17 Respondent.

Case No. 800-2015-016995

OAH No. 2017020469

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Mara Faust, Deputy  
25 Attorney General.

26 2. Respondent Peter Theodore Wroblicky, M.D. (Respondent) is represented in this  
27 proceeding by attorney Dominique A. Pollara, Esq., whose address is: 3600 American River  
28 Drive, Suite 160, Sacramento, CA 95864.

1       3.     On or about November 16, 2007, the Board issued Physician's and Surgeon's  
2     Certificate No. A 102109 to Peter Theodore Wroblicky, M.D. (Respondent). The Physician's and  
3     Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in  
4     Accusation No. 800-2015-016995, and will expire on March 31, 2019, unless renewed.

5                               JURISDICTION

6       4.     Accusation No. 800-2015-016995 was filed before the Board, and is currently  
7     pending against Respondent. The Accusation and all other statutorily required documents were  
8     properly served on Respondent on November 21, 2016. Respondent timely filed his Notice of  
9     Defense contesting the Accusation.

10      5.     A copy of Accusation No. 800-2015-016995 is attached as exhibit A and incorporated  
11     herein by reference.

12                               ADVISEMENT AND WAIVERS

13      6.     Respondent has carefully read, fully discussed with counsel, and understands the  
14     charges and allegations in Accusation No. 800-2015-016995. Respondent has also carefully read,  
15     fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
16     Disciplinary Order.

17      7.     Respondent is fully aware of his legal rights in this matter, including the right to a  
18     hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
19     the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
20     to the issuance of subpoenas to compel the attendance of witnesses and the production of  
21     documents; the right to reconsideration and court review of an adverse decision; and all other  
22     rights accorded by the California Administrative Procedure Act and other applicable laws.

23      8.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24     every right set forth above.

25                               CULPABILITY

26      9.     Respondent understands and agrees that the charges and allegations in Accusation  
27     No. 800-2015-016995, if proven at a hearing, constitute cause for imposing discipline upon his  
28     Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

### CIRCUMSTANCES IN MITIGATION

12. Respondent Peter Theodore Wroblicky, M.D. has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings as to the issues outlined in the Public Reprimand. Respondent took the initiative, on his own, to attend an education course on Medical Record Keeping. At the physician interview, respondent showed concern toward patient J.H.'s welfare and acknowledged that the patient interaction was not optimal.

## RESERVATION

13. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

14. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal

1 action between the parties, and the Board shall not be disqualified from further action by having  
2 considered this matter.

3 15. The parties understand and agree that Portable Document Format (PDF) and facsimile  
4 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
5 signatures thereto, shall have the same force and effect as the originals.

6 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
7 the Board may, without further notice or formal proceeding, issue and enter the following  
8 Disciplinary Order:

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 102109 issued  
11 to Respondent Peter Theodore Wroblicky, M.D. (respondent) is hereby publically reprimanded.  
12 This public reprimand is based on respondent's failure to have an optimal patient interaction and  
13 his failure to fully record a complete review of systems as to patient J.H. on June 2, 2015. This  
14 public reprimand pursuant to Business and Professions Code section 2227, is issued to respondent  
15 with the expectation that such conduct will not be repeated.

16 1. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
17 Decision, Respondent shall submit to the Board or its designee for its prior approval educational  
18 program(s) or course(s) which shall not be less than 8 hours covering the topic of patient  
19 communication skills. The educational program(s) or course(s) shall be aimed at correcting any  
20 areas of deficient practice or knowledge and shall be Category I certified. The educational  
21 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the  
22 Continuing Medical Education (CME) requirements for renewal of licensure. Following the  
23 completion of each course, the Board or its designee may administer an examination to test  
24 Respondent's knowledge of the course. Respondent shall provide proof of attendance for the 8  
25 hours or coursework in satisfaction of this condition.

26 2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective  
27 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in  
28 advance by the Board or its designee. Respondent shall provide the approved course provider

1 with any information and documents that the approved course provider may deem pertinent.  
2 Respondent shall participate in and successfully complete the classroom component of the course  
3 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
4 complete any other component of the course within one (1) year of enrollment. The medical  
5 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing  
6 Medical Education (CME) requirements for renewal of licensure.

7 A medical record keeping course taken after the acts that gave rise to the charges in the  
8 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
9 or its designee, be accepted towards the fulfillment of this condition if the course would have  
10 been approved by the Board or its designee had the course been taken after the effective date of  
11 this Decision.


12 Respondent shall submit a certification of successful completion to the Board or its  
13 designee not later than 15 calendar days after successfully completing the course, or not later than  
14 15 calendar days after the effective date of the Decision, whichever is later.

15 3. VIOLATION OF THIS AGREEMENT. Failure to fully comply with any term or  
16 condition of the public letter of reprimand is unprofessional conduct. If Respondent violates this  
17 agreement in any respect, the Board may reinstate the Accusation and/or file an Amended  
18 Accusation.

#### 19 ACCEPTANCE

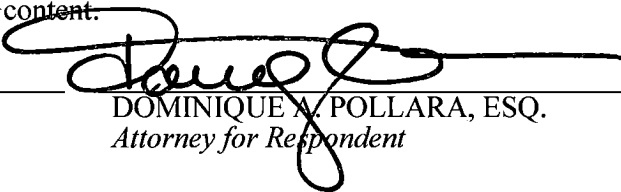
20 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
21 discussed it with my attorney, Dominique A. Pollara, Esq. I understand the stipulation and the  
22 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated  
23 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
24 bound by the Decision and Order of the Medical Board of California.

25  
26 DATED: 26 May 2017

  
27 PETER THEODORE WROBLICKY, M.D.  
Respondent  
28

1 I have read and fully discussed with Respondent Peter Theodore Wroblicky, M.D. the terms  
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
3 Order. I approve its form and content.

4 DATED: 5/26/17

  
DOMINIQUE A. POLLARA, ESQ.  
*Attorney for Respondent*

7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
9 submitted for consideration by the Medical Board of California.

10 Dated: 5/26/17

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

  
MARA FAUST  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 800-2015-016995**



1 KAMALA D. HARRIS  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 MARA FAUST  
Deputy Attorney General  
4 State Bar No. 111729  
California Department of Justice  
5 1300 I Street, Suite 125  
P.O. Box 944255  
6 Sacramento, CA 94244-2550  
Telephone: (916) 324-5358  
7 Facsimile: (916) 327-2247

8 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Nov. 21 2016  
BY W. Lee ANALYST

10 **BEFORE THE**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2015-016995

14 **PETER THEODORE WROBLICKY, M.D.**  
15 P.O. Box 661411  
Sacramento, CA 95866-1411

**A C C U S A T I O N**

16 Physician's and Surgeon's Certificate No. A 102109,  
17 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about November 16, 2007, the Medical Board issued Physician's and  
25 Surgeon's Certificate No. A 102109 to Peter Theodore Wroblicky, M.D. (Respondent). The  
26 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on March 31, 2017, unless renewed.

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**JURISDICTION**

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"..."

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6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

**FIRST CAUSE FOR DISCIPLINE**  
**(Gross Negligence)**

7. Respondent Peter Theodore Wroblecky, M.D. is subject to disciplinary action under section 2234(b), of the Code, in that he was grossly negligent in his care and treatment of patient J.H. The circumstances are as follows:

8. On or about June 1, 2015, J.H., a 65-year-old male patient with a history of hypertension, atrial fibrillation, hyperlipidemia, depression and anxiety, visited his primary care physician, Dr. L.S., complaining of spontaneous movement and loss of sensation in his left arm. On the physical examination of this patient, Dr. L.S. identified a loss of coordination and sensation in the upper left extremities. Three years prior, this patient had undergone a surgical C4 partial corpectomy and fusion of cervical level C4 and C5 for cervical cord compression with impaired gait. On or about June 1, 2015, Dr. L.S. diagnosed intermittent left limb ataxia and transferred the patient to the emergency department of the Veterans Administration Medical Center at Mather.

9. In the emergency department, Dr. G.R. diagnosed upper extremity neuropraxia after obtaining a CT scan of the cervical spine. Dr. G.R. also ordered an MRI for June 4, 2015, before he discharged the patient.

10. The next day, on or about June 2, 2015, patient J.H. returned to the emergency department. The patient described to a triage nurse and a direct care nurse symptoms of worsening left arm numbness, light flashes, a change in depth perception, imbalance and overall feeling "a lot worse." Thereafter, Respondent, who was the on-duty emergency physician saw patient J.H. Respondent documented that the patient had recurrent loss of left upper extremity control and paresthesias and that the patient expressed fear that he was having a stroke and might die. Respondent's medical note further stated that the patient had no vision changes and that his sense and strength were grossly intact. Respondent informed the patient that he would have to

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1 wait for his cervical MRI until June 4, 2015, and Respondent did not appear to contemplate a  
2 brain MRI for the patient. Respondent found the patient's primary diagnosis to be anxiety.

3 11. After patient J.H.'s discharge from the emergency department, he continued to have  
4 persistence of his symptoms. The patient was ultimately referred to a neurologist who ordered a  
5 brain MRI on or about July 27, 2015, which showed right cerebral sub-acute watershed infarcts  
6 and an occluded right internal carotid artery. This patient was transferred to a specialty stroke  
7 center for additional evaluation and treatment.

8 12. When Respondent undertook the care and treatment of patient J.H., a worried patient  
9 with substantial risk factors, who returned to the emergency department less than 24 hours for  
10 progressing complex neurological symptoms, he failed to obtain an accurate history and review  
11 of systems. Respondent failed to perform an effective neurological examination of the patient,  
12 failed to perform indicated imaging studies, and failed to obtain a consult or refer the patient to  
13 urgent care. All of Respondent's failures collectively constitute an extreme departure from the  
14 standard of care in violation of section 2234(b) of the Code.

15 **SECOND CAUSE FOR DISCIPLINE**  
16 **(Failure to Maintain Adequate and Accurate Medical Records)**

17 13. Respondent is further subject to discipline under sections 2227 and 2234, as defined  
18 by section 2266, of the Code, in that he failed to maintain adequate and accurate medical records  
19 in the care and treatment of patient J. H. regarding his history and review of systems, his  
20 neurological examination of the patient, and any consideration about outside consults or referrals.  
21 Paragraphs 7 through 12, above, are hereby incorporated by reference and realleged as if fully set  
22 forth herein.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. A 102109, issued to Respondent Peter Theodore Wroblicky, M.D.;
2. Revoking, suspending or denying approval of Respondent Peter Theodore Wroblicky, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Respondent Peter Theodore Wroblicky, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: November 21, 2016

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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